

REMARKS

These remarks are being filed in response to the Official Action mailed in this application on December 3, 2003. A Petition for Extension of Time accompanies this Response. Claims 1, 3-8, 10 and 13-17 are pending in this application. Reconsideration of this application is respectfully requested.

Turning to the rejection, claims 1, 3-10 and 13-15 were once again rejected under 35 USC §103 as being unpatentable over US Patent No. 5,299,121 ("Brill et al.") in view of "Solutions™ Wound Care Algorithm Series" ("Solutions™"). Once again, applicant respectfully traverses this rejection.

According to the action, Brill et al. teach "a method for identifying a symptom care protocol for a given symptom", "(C)lassifying the symptom against a defined scale for a first symptom factor to obtain a symptom classification", "grading the symptom factors against defined scale" and "a visual decision device corresponding to the symptom classification wherein the visual decision device identifies at least one component of a treatment protocol for the graded symptom factors". Clearly, this is a *very* generous reading of Brill et al. and uses the language of the instant application to over extend what is *actually* in Brill et al.

Further, it *is* recognized in the action that Brill et al. has absolutely nothing whatsoever to do with wound care. To remedy that, the action relies on *Solutions™* to overcome this deficiency. Of course, to do so, the rejection must again use the instant application as a guide and relies on impermissible hindsight to conclude that the claims are obvious over the combination of Brill et al. and *Solutions™*.

Then it is asserted that mechanical devices such as sliding cards are known so, according to the action and without citing a reference or noting how the combination of Brill et al. and *Solutions™* make it so, it would have been obvious to use those.

And then without citing a reference or noting how the combination of Brill et al. and *Solutions™* make it so, it is asserted that it would have been obvious to include a scoring sheet.

And then official notice is taken that a card as described within the present claims is old, yet there is nothing in the action to indicate that these have been used as claimed.

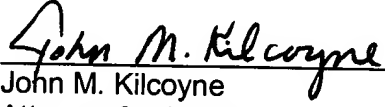
Applicant maintains that there is absolutely no reason or suggestion in Brill et al. or in *Solutions™* to combine their teachings, or to add an assortment of elements as attempted in the action, absent the teachings of the instant application. The action attempts to connect Brill et al. to wounds by connecting "injury" to --wound--. The action argues that motivation to combine references can come from knowledge generally available to those of ordinary skill in the art and that the motivation to treat wounds relied on by the Examiner comes from knowledge available to those

in the art. This is not further explained. Rather, the rejection uses the language of the instant application to overextend what is *actually* in Brill et al., and again uses the instant application as a guide to assert the combination of Brill et al. and *Solutions*™. Thus, applicant again maintains that there is absolutely no reason or suggestion in Brill et al. or in *Solutions*™ to combine their teachings. Moreover, there is no art of record to suggest the mechanical devices, scoring card or use of the scoring card as claimed. Accordingly, applicant requests that this rejection be withdrawn.

In view of the foregoing, reconsideration of this application, and allowance of the application with claims 1, 3-8, 10 and 13-17 are respectfully solicited.

Respectfully submitted,

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